

APPLICANT(S): LEWKOWICZ, Shlomo et al.
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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is statutory, new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Claims 73-77, 88 and 89 are pending in the application, as a result of Applicant's election in the Response dated February 16, 2007 to prosecute those claims, following the Examiner's restriction of the application to one of two inventions, Group I containing claims 78-87 and Group II containing claims 73-77, 88 and 89. Claims 78-87 have been withdrawn.

In the Office Action, the Examiner rejected claims 73-77, 88 and 89 under 35 U.S.C. § 103(a), as being unpatentable over International Patent Application Publication No. WO 01/53792 to Given Imaging Ltd. in view of Japan Patent Publication No. JP 05200015 to Ueda et al. Applicants traverse the Examiner's rejection.

The Examiner maintains that Given Imaging Ltd. fails to disclose an interaction chamber into which a sample is entered through a first opening and discharged through a second opening. The Examiner further maintains that Ueda et al. discloses a method including pumping a sample through a sample through a first opening (4) into an interaction chamber, discharging the sample through a second opening (5) and replacing the sample with a new sample (reference is made to paragraphs [0024]-[0029]).

Applicants contend that neither Given Imaging Ltd. nor Ueda discloses or teaches an interaction chamber having immobilized therein an indicator configured to react with at least the first endo-luminal sample, said reaction occurring within the interaction chamber, and the reaction resulting in an optical change, as required by amended claim 88.

In fact, Ueda teaches away from the solution claimed in amended claim 88. In paragraphs [0025]-[0026], Ueda explains that a reagent to react with the sample is mixed in with the sample by being introduced into suction path (3) from a reagent tank (13). The reaction thus occurs

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within suction path (3) and is detected by sensor (7) somewhere along suction path (3) or along liquid-sending way (8).

Thus, Ueda does not show or teach a reagent immobilized into a reaction chamber, the reaction chamber which is the same location in which the reaction is taking place. Rather, the reagent is kept in a separate chamber and is introduced into a chamber after a sample has been pumped into that chamber. Further, it is not clear from Ueda if the mixing of the reagent and the sensing of the reaction are done at the same location, but rather it seems that the reaction takes place at one location (suction path 3) and is detected in another location (sensor 7).

Possible advantages of the invention claimed in amended claim 88 may include a simpler mechanism that does not require several chambers or tanks.

Applicant also maintains that the combination of Given Imaging Ltd. and Ueda, as proposed by the Examiner, would not result in a functioning method. Given Imaging Ltd. teaches detecting an optical change occurring on an optical dome, not in a reaction chamber within an in vivo device. Ueda teaches sampling into a device but gives no direction as to optical detection of a reaction that may occur, since Ueda does not use optical detecting means. Ueda's mechanism is not appropriate for use with an optical detector, nor is there any suggestion or teaching in Ueda for such a use. Given Imaging Ltd. is also silent on optical detection of a reaction occurring within a chamber within a device. A skilled person has no teaching on how to adjust Ueda's mechanism to optical detection, and Given Imaging Ltd. does not teach how to detect a reaction occurring within a chamber with an in vivo device.

Accordingly, the rejection of claim 88 should be withdrawn. Claims 73-77 and 89 depend from claim 88 and include all its limitations, and the rejection of claims 73-77 and 89 should thus also be withdrawn.

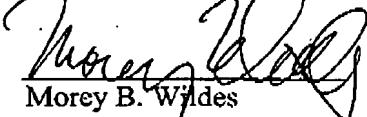
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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